

AMENDED IN SENATE JUNE 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1910**

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**Introduced by Committee on Agriculture (Galgiani (Chair), Tom Berryhill (Vice Chair), Conway, Fuller, Ma, Mendoza, and Yamada)**

February 16, 2010

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An act to amend ~~Section~~ *Sections 35832 and 62640* of the Food and Agricultural Code, relating to milk.

LEGISLATIVE COUNSEL'S DIGEST

AB 1910, as amended, Committee on Agriculture. *Repasteurized milk*: Milk Producers Security Trust Fund: handler default.

(1) *Existing law prohibits repasteurized milk to be sold as market milk.*

*This bill would instead authorize repasteurized milk to be reprocessed and sold as "Grade A" product under certain specified conditions and restrictions. The bill would permit the Secretary of Food and Agriculture, upon request, to authorize reprocessing of packaged milk and milk products provided certain requirements are complied with.*

~~Existing~~

(2) *Existing law confers upon the Secretary of Food and Agriculture the ability to establish and administer the Milk Producers Security Trust Fund to protect milk producers against loss of payment for bulk milk transferred to handlers. Existing law authorizes the secretary to pay money from the Milk Producers Security Trust Fund to the pool equalization fund to cover the amount that a handler defaults in payments to the pool equalization fund if, after consultation with the*

Milk Producers Security Trust Fund Board, the secretary determines that additional efforts will not result in collection of the amount due.

This bill would require the secretary to first exhaust all administrative and legal remedies within his or her authority against the defaulting handler, and execute all judgments resulting from those remedies, prior to recommending to the board this payment from the Milk Producers Security Trust Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 35832 of the Food and Agricultural Code  
2     is amended to read:  
3     35832. (a) Repasteurized milk ~~shall not be sold as market~~  
4     ~~milk.~~ may only be reprocessed and sold as a “Grade A” product  
5     under the following conditions and restrictions:  
6     (1) Milk and milk products drained from processing equipment  
7     at the end of a run, collected from a defoamer system, and milk or  
8     milk product solids rinsed from equipment, containers, or pipelines  
9     shall be repasteurized only if that milk or those milk products are  
10    handled in a sanitary manner and maintained at 45 degrees  
11    Fahrenheit (7 degrees Celsius) or less. When the handling or  
12    cooling, or both, of that milk or those milk products is not in  
13    compliance with this requirement, they shall be discarded.  
14    (2) Equipment, designated areas, or rooms utilized for handling,  
15    processing, and storage of returned packaged milk or milk products  
16    are maintained, operated, cleaned, and sanitized so as to preclude  
17    the contamination of Grade A products and equipment and the  
18    Grade A operations. The repasteurization of milk and milk products  
19    shipped in milk tank trucks, which have been pasteurized at another  
20    Grade A milk plant and have been handled in a sanitary manner  
21    and maintained at 45 degrees Fahrenheit (7 degrees Celsius) or  
22    less, is permitted.  
23    (3) Packaged milk and milk products that have physically left  
24    the premises of the processing plant shall not be repasteurized for  
25    Grade A use.  
26    (4) Milk and milk products from damaged, punctured, or  
27    otherwise contaminated containers, or milk products from

1 *out-of-code containers, shall not be repasteurized for Grade A*  
2 *use.*

3 *(5) All milk and milk products that have overflowed, leaked, or*  
4 *been spilled or improperly handled shall be discarded.*

5 *(b) Notwithstanding subdivision (a), the secretary may, on a*  
6 *specific request, authorize reprocessing of packaged milk and milk*  
7 *products provided all other requirements of this section, including*  
8 *proper storage temperature and container integrity, are complied*  
9 *with.*

10 **SECTION 1.**

11 *SEC. 2.* Section 62640 of the Food and Agricultural Code is  
12 amended to read:

13 62640. If a handler defaults in payments to the pool  
14 equalization fund provided for in Chapter 3 (commencing with  
15 Section 62700) and the secretary determines that additional efforts  
16 will not result in collection of the amount due, the secretary, after  
17 consultation with the board, may pay money from the Milk  
18 Producers Security Trust Fund to the pool equalization fund to  
19 cover the amount of the default. However, the secretary shall first  
20 exhaust all administrative and legal remedies within his or her  
21 authority against the defaulting handler, and execute all judgments  
22 resulting from those remedies, prior to recommending to the board  
23 this payment from the Milk Producers Security Trust Fund.